

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD J BAKER,

Plaintiff,

v.

MICROSOFT CORPORATION, et  
al.,

Defendants.

CASE NO. C16-396 RAJ

ORDER

This matter comes before the Court on Plaintiff's leave to file a motion for reconsideration outside the deadline. Dkt. # 136. Defendants oppose the motion. Dkt. # 139.

Plaintiff offers no justification for why he could not have discovered the allegedly "new material fact evidence" when the parties were arguing the motion for summary judgment. His motion suggests he only went searching for the new evidence once the Court rejected his arguments on summary judgment. Dkt. # 136 at p. 2. Furthermore, on February 1, 2017, Plaintiff filed his notice of appeal to the Ninth Circuit. Dkt. # 140. Plaintiff then filed his motion for reconsideration on February 9, 2017. Dkt. # 142. However, by filing an appeal with the Ninth Circuit prior to filing his motion for

1 reconsideration, Plaintiff divested the Court of jurisdiction “over those aspects of the case  
2 involved in the appeal.” *Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997).

3 Accordingly, the Court **DENIES** Plaintiff’s motion. Dkt. # 136. This Order  
4 operates to terminate his pending motion for reconsideration and motion for leave to file  
5 additional evidence. Dkt. ## 142, 146.

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7 Dated this 16th day of March, 2017.

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9 A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

10  
11 The Honorable Richard A. Jones  
12 United States District Judge  
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